

Case 1:07-cv-00908-JEK Document 4-5 Filed 09/02/07 Page 1 of 2
A CERTIFIED TRUE COPY

SEP - 7 2007

ATTEST *Dana L. Stewart*
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

07 CIV 7990

JUDGE KEENAN

AUG 22 2007

FILED
CLERK'S OFFICE

SEP 17 2007

UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

MDL NO. 1789

IN RE Fosamax Products Liability Litigation

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-32)

On August 16, 2006, the Panel transferred four civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 444 F.Supp.2d 1347 (J.P.M.L. 2006). Since that time, 76 additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable John F. Keenan.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Keenan.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of August 16, 2006, and, with the consent of that court, assigned to the Honorable John F. Keenan.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Jeffery N. Lüthi
Jeffery N. Lüthi
Clerk of the Panel

A CERTIFIED COPY

J. MICHAEL McMAHON, CLERK

BY

Wanda Quintero
DEPUTY CLERK

Inasmuch as no objection is
pending at this time, the
stay is lifted.

SEP - 7 2007

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

SCHEDULE CTO-32 - TAG-ALONG ACTIONS
MDL NO. 1789
IN RE Fosamax Products Liability Litigation

DIST. DIV. C.A.#

CASE CAPTION

CALIFORNIA CENTRAL

CAC 2 07-4651

Lawrence N Moyer, et al. v. Merck & Co., Inc., et al.

~~CAC 2 07-4655~~

~~Carrie Smith, et al. v. Merck & Co., Inc., et al.~~ Opposed 9/5/07

NEW JERSEY

NJ 3 07-3540

Anne DeVito v Merck & Co., Inc.

OHIO SOUTHERN

OHS 1 07-576

Fred Moorman v Merck & Co., Inc.

TEXAS EASTERN

TXE 2 07-318

Janis Graham, et al. v Merck & Co., Inc.

TEXAS NORTHERN

TXN 5 07-161

Sharon Redford, et al. v Merck & Co., Inc., et al